

**RULES
OF THE
TENNESSEE DEPARTMENT OF PERSONNEL**

**CHAPTER 1120-5
JOB PERFORMANCE PLANNING AND EVALUATION**

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1120-5-.01 PURPOSE. To promote employee development, enhance employee productivity, serve as a basis for sound personnel decisions, and provide a permanent record of the performance of major job duties and responsibilities for employees in the State service.

Authority: T.C.A. §§8-30-202, 8-30-203, 8-30-204 and 8-30-319. **Administrative History:** (For history prior to January 2, 1988, see pages 1-2). Repeal and new rule filed November 18, 1987; effective January 2, 1988.

1120-5-.02 EVALUATION PERIODS. Formal written evaluations of the performance of major job duties and responsibilities for all employees, except as noted below, will be provided to the Department on dates and forms prescribed by the Commissioner.

Authority: T.C.A. §8-30-319. **Administrative History:** (For history prior to January 2, 1988, see pages 1-2). Repeal and new rule filed November 18, 1987; effective January 2, 1988.

1120-5-.03 EMPLOYEES TO BE EVALUATED. The performance of all employees in the State service will be evaluated in a manner subject to this rule, except for:

- (1) Seasonal employees
- (2) Part-time employees
- (3) Limited term employees
- (4) Temporary employees
- (5) Employees of the Governor's Office
- (6) Deputy Commissioners, Assistant Commissioners and employees in equivalent positions
- (7) Emergency employees
- (8) Temporary provisional employees
- (9) Interim employees
- (10) Executive Service employees

Authority: T.C.A. §8-30-319. **Administrative History:** (For history prior to January 2, 1988, see pages 1-2). Repeal and new rule filed November 18, 1987; effective January 2, 1988. Amendment filed January 8, 1991; effective May 1, 1991.

1120-5-.04 EVALUATION FORMS. Evaluations shall be recorded on forms prescribed by the Commissioner.

Authority: T.C.A. §8-30-319. **Administrative History:** (For history prior to January 2, 1988, see pages 1-2). Repeal and new rule filed November 18, 1987; effective January 2, 1988.

1120-5-.05 EVALUATION PROCESS. The performance evaluation process will be carried out in a manner prescribed by the Commissioner, including:

- (1) An initial discussion between the supervisor and the employee for the purpose of explaining and clarifying the performance evaluation process, major job duties and responsibilities for which performance will be assessed, and the performance necessary to achieve a high rating.
- (2) Periodic reviews of job performance to provide constructive performance feedback, discuss means of enhancing performance and, if appropriate, to discuss the consequences of mediocre or unsatisfactory performance.
- (3) A formal written assessment of the employee's performance which provides the employee with the opportunity to agree or disagree and comment upon the assessment.
- (4) A review of the evaluation of each employee by an appropriate manager, designated by the appointing authority, confirming that the evaluation process has been properly completed, including the initial discussion described in (1) above, periodic reviews described in (2) above, and formal written assessment of the employee's performance in which the assessments and conclusions drawn from the assessments are appropriately and logically described and reflected in the overall evaluation of the employee's job performance.
- (5) A review of the formal written evaluation of each employee by the appointing authority, which when signed, becomes the official record of the performance of the major job duties and responsibilities of the employee. This evaluation will be recorded and used in making personnel decisions as described below.

Authority: T.C.A. §8-30-319. **Administrative History:** (For history prior to January 2, 1988, see pages 1-2). Repeal and new rule filed November 18, 1987; effective January 2, 1988.

1120-5-.06 USE IN MAKING PERSONNEL DECISIONS. In a manner prescribed by the Commissioner, when employee performance of major job duties, authority and responsibilities is deemed to be a relevant factor in determining eligibility to compete in promotional examinations, satisfactory or unsatisfactory completion of a probationary period, eligibility to receive merit pay or lump sum performance bonuses, or as a factor in layoffs, demotions, suspensions or dismissals, the performance evaluation described in this rule will be the evaluation serving as the basis for such decisions. Nothing in this rule chapter should be construed to imply that performance of major job duties and responsibilities as evaluated in the job performance planning and evaluation system is the only relevant factor that may be used in making the decisions described in this rule subsection.

Authority: T.C.A. §§8-30-202, 8-30-203, 8-30-204, 8-30-214, 8-30-304, 8-30-314, 8-30-319, 8-30-320, 8-30-325, and 8-30-326. **Administrative History:** (For history prior to January 2, 1988, see pages 1-2). Repeal and new rule filed November 18, 1987; effective January 2, 1988.

1120-5-.07 RECORDS. The written evaluations of each employee will be returned by the Commissioner to the appointing authority, who shall retain the original written evaluation in the permanent personnel file of each employee. The Commissioner will retain a record of employee's current performance evaluations in the information system of the Department.

Authority: T.C.A. §8-30-319. . *Administrative History:* (For history prior to January 2, 1988, see pages 1-2). Repeal and new rule filed November 18, 1987; effective January 2, 1988.

1120-5-.08 TRAINING. Persons responsible for conducting and/or reviewing the performance evaluation of any employee shall complete a training program specified by the Commissioner.

Authority: T.C.A. §§8-30-202, T.C.A. 8-30-203 and T.C.A. 8-30-204. . *Administrative History:* (For history prior to January 2, 1988, see pages 1-2). Repeal and new rule filed November 18, 1987; effective January 2, 1988.

1120-5-.09 APPEAL. Any regular or permanent state employee shall have the opportunity to grieve any final performance evaluation when Department of Personnel procedures have been violated to the extent that the evaluation is unfair or inaccurate. Such grievance shall be filed in accordance with the Rules but the final step will be limited to Step IV, the appointing authority. Upon request an additional review may be conducted by the Commissioner, whose decision shall be final.

Authority: T.C.A. §8-30-328. . *Administrative History:* (For history prior to January 2, 1988, see pages 1-2). Repeal and new rule filed November 18, 1987; effective January 2, 1988. New Rule filed August 25, 1994; effective December 29, 1994.